IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19269 of 2006
Date of Decision: 5.12.2006

The Kalanwali Danewalia Cooperative Transport Society Limited
Petitioner

versus

Regional Transport Authority, Hisar and others
Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

HON'BLE MR. JUSTICE PRITAM PAL

Present: Shri H.S.Sawhney, Senior, Advocate with
Shri B.S.Giri, Advocate for the petitioner

Jasbir Singh, J. (Oral)

Notice of motion.

Shri Inder Pal Goyat, Advocate accepts notice on behalf of respondent No.3.

Counsel for the parties heard.

In this writ petition, the petitioner has laid challenge to order dated 20.11.2006 (Annexure P/3), vide which, additional permit granted to the petitioner was cancelled. It is apparent from the records that the Tribunal below has cancelled permit of the petitioner on the ground that the objectors were not heard, at the time when additional permit was granted.

It is contention of counsel for the petitioner that may be on the ground of violation of principles of natural justice, the Tribunal below was justified in cancelling additional permit allotted to the petitioner, but at the same time, it was not open to the Tribunal to dismiss its application for grant of permit. Matter was required to be referred to the Regional Transport Authority, to decide application of the petitioner afresh, after hearing the objectors/ respondent No.3. We feel that contention raised has a

substance. Counsel for the respondent has also not raised any objection in case the matter is remitted to the Regional Transport Authority, to hear and decide application of the petitioner afresh, alongwith application of the respondent/ objector. In view of consensus arrived at between the parties, the writ petition is allowed, order passed by the Tribunal is modified and the matter is remitted to the Regional Transport Authority, Hisar, to hear application of the petitioner and respondent No.3 afresh. An opportunity of hearing be granted to respondent No.3 at the time of passing of the order.

Parties are directed to appear before the authority concerned on 20.12.2006.

It is expected that the matter will be decided within three weeks thereafter.

Till the final order is passed by the Regional Transport Authority, the petitioner shall continue to operate on the basis of additional permit, which was granted to it.

(Jasbir Singh)
Judge

December 05, 2006 **(Pritam Pal)**
gk **Judge**